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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 PRISCILLA DOSS, Individually; THEONIE
11 LABEE, Individually; PATRICE MILLER,
12 Individually; PATRICIA NORRIS,
13 Individually; and, MARY HAYES,
14 Individually;

15 Plaintiffs,

16 vs.

17 FRANCISCAN HEALTH SYSTEM d/b/a/ ST.
18 JOSEPH MEDICAL CENTER;

19 Defendants.

No. 3:11-cv-05163-BHS

**FIRST AMENDED COMPLAINT
FOR DAMAGES**

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21 COME NOW the Plaintiffs, by and through Thaddeus P. Martin of Thaddeus Martin,
22 LLC, their attorney of record, by and through this Complaint and by way of claim allege:

23 **I. INTRODUCTION**

24 1.1 This lawsuit is for damages against Franciscan Health System d/b/a St. Joseph
Medical Center ("St. Joseph") and their agents. St. Joseph has failed to take reasonably adequate

1 action to correct the pervasive and severe racial harassment, hostile/violent environment and
2 disparate treatment of individual African-American and ethnic minority employees.

3 4 **II. JURISDICTION & VENUE**

5 2.1 This suit is brought, in part, pursuant to 42 U.S.C. § 1981; 42 U.S.C. § 12132; and
6 Title VII of the Civil Rights Act of 1964. Jurisdiction is conferred upon this Court pursuant to
7 28 U.S.C. § 1343, *et seq.*

8 2.2 There exists a common nucleus of operative facts as to plaintiff's state and federal
9 claims. As a consequence, this Court has pendent jurisdiction over the state claims pursuant to
10 28 U.S.C. § 1367.

11 2.3 The events which gave rise to this lawsuit occurred in Pierce County,
12 Washington. Venue is proper in this Court.

13 14 **III. VENUE**

15 3.1 The events which gave rise to this lawsuit occurred in Tacoma, Pierce County
16 Washington. Venue is proper in this Court.

17 18 **IV. PARTIES**

19 **4.1 Plaintiffs**

20 4.1.1 Plaintiffs are citizens of the United States of America who are of African-
21 American decent residing in Pierce and King County Washington. Plaintiffs are current or
22 former employees of defendant St. Joseph.

23 **4.2 Defendants**

1 4.2.1 Franciscan Health System d/b/a St. Joseph is a corporation registered with the
2 Washington Secretary of State and licensed to do business within the State of Washington. St.
3 Joseph is a 320 bed medical center located in Tacoma, Pierce County, Washington that provides
4 all types of medical services to patients.

5 4.2.2 St. Joseph employs over 100 employees and has an organized chain of
6 supervision.

7 V. FACTS

8 5.1.1 These claims arise from the severe and pervasive racial discrimination against
9 African-American employees at St. Joseph, disparate treatment, racial comments, and retaliation
10 against protected activities. This discrimination has occurred for an indefinite period of time and
11 continues to occur presently. It has continued despite notice to St. Joseph regarding its existence.
12 These claims are based upon the acts and omissions of St. Joseph, its agents, representatives,
13 employees and third parties under the control of St. Joseph, in connection with the facts as
14 outlined in this complaint.

15 5.1 Patricia Doss' Examples of Unlawful Workplace Behavior

16 5.2.1. Patricia has been employed with the Defendant since June 2008 as Health Unit
17 Coordinator.

18 5.2.3. Patricia was repeatedly held to a higher standard than her Caucasian co-workers
19 including standards that do not exist.

20 5.2.3 Patricia's employment was threatened by managers and other co-workers.

21 5.2.4 Patricia was subjected to racial name calling by other employees which was
22 reported to management and human resources.
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1 5.2.5 Patricia has been forced to take a leave of absence due to the extreme hostile work
2 environment and racial discrimination.

3 5.2.6 Patricia was regularly cut from shifts and not allowed over-time when Caucasian
4 employees were allowed special privileges.

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6 **5.2 Theonie Labee's Examples of Unlawful Workplace Behavior**

7 5.2.1. Theonie has been employed as a Registered Nurse with the Defendant since June
8 2008. She was not hired as a permanent employee until February 2010.

9 5.2.3. Theonie was repeatedly held to a higher standard than her Caucasian co-workers
10 including standards that do not exist.

11 5.2.3 Theonie's employment was threatened by managers and other co-workers.

12 5.2.4 Theonie was subjected to racial name calling by other employees which was
13 reported to management and human resources.

14 5.2.5 Theonie has been forced to take a leave of absence due to the extreme hostile
15 work environment and racial discrimination.

16 5.2.6 Theonie was regularly cut from shifts and not allowed over-time when Caucasian
17 employees were allowed special privileges.

18 **5.3 Patrice Miller's Examples of Unlawful Workplace Behavior**

19 5.3.1 Patrice began working for St. Joseph in April 2002 where she remained a
20 satisfactory LPN employee until she was forced into a constructive discharge in August 2010.

21 5.3.2 Patrice was repeatedly held to a higher standard than her Caucasian co-workers
22 including standards that do not exist.

23 5.3.3 Patrice's employment was threatened by managers and other co-workers.

5.3.4 Patrice was subjected to racial name calling by other employees which was reported to management and human resources.

5.3.5 Patrice was regularly cut from shifts and not allowed over-time when Caucasian employees were allowed special privileges.

5.4 Patricia Norris' Examples of Unlawful Workplace Behavior

5.4.1 Patricia began working for St. Joseph in August 1999. Her most recent position has been a Health Unit Coordinator.

5.4.2 Patricia was repeatedly held to a higher standard than her Caucasian co-workers including standards that do not exist.

5.4.3 Patricia's employment was threatened by managers and other co-workers.

5.4.4 Patricia was subjected to racial name calling by other employees which was reported to management and human resources.

5.4.5 Patricia was regularly cut from shifts and not allowed over-time when Caucasian employees were allowed special privileges.

5.5.6 Patricia has been forced to take administrative leave due to the extreme hostile work environment and racial discrimination.

5.5 Mary Hayes' Examples of Unlawful Workplace Behavior

5.5.1 Mary worked for Franciscan for nearly 38 years, as a Registered Nurse, when she was wrongfully terminated after reporting incidents of racial harassment.

5.5.2 Mary was repeatedly held to a higher standard than her Caucasian co-workers including standards that do not exist.

5.5.3 Mary's employment was threatened by managers and other co-workers.

1 5.5.4 Mary was subjected to racial name calling by other employees which was
2 reported to management and human resources.

3 5.5.5 Mary was regularly cut from shifts and not allowed over-time when Caucasian
4 employees were allowed special privileges.

5 5.4.6 Mary was wrongfully terminated in retaliation as a result of the extreme hostile
6 work environment and racial discrimination.

7 8 **VI. CLAIMS FOR RELIEF**

9 **6.1 Violation of Title VII of the Civil Rights Act of 1964:** Plaintiff Doss
10 incorporates all prior assertions in this Complaint as the proximate cause of plaintiff's injuries.
11 Plaintiff will bring claims for racial discrimination, including hostile work environment,
12 retaliation, disparate treatment, disparate impact, and constructive and/or actual discharge.
13 Although Plaintiff states an individual cause of action, Plaintiff notes that each cause of action is
interrelated to all of the facts set forth in this complaint.

14 **6.2 Violation of 42 U.S.C. § 1981:** Plaintiff incorporates all prior assertions in this
15 Complaint as the proximate cause of plaintiff's injuries. Although Plaintiff states an individual
16 cause of action, Plaintiff notes that each cause of action is interrelated to all of the facts set forth
in this complaint.

17 **6.3 Racial Discrimination in Violation of Public Policy and the Common Law:**
18 Plaintiff incorporates all preceding paragraphs as though fully set forth herein as a proximate
19 cause of Plaintiff's injuries. Although Plaintiff states an individual cause of action, Plaintiff
notes that each cause of action is interrelated to all of the facts set forth in this complaint.

20 **6.4 Hostile Work Environment in Violation of Public Policy and the Common**
21 **Law:** Plaintiff incorporates all preceding paragraphs as though fully set forth herein as a
22 proximate cause of Plaintiff's injuries. Although Plaintiff states an individual cause of action,
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1 Plaintiff notes that each cause of action is interrelated to all of the facts set forth in this
2 complaint.

3 **6.5 Disparate Treatment in Violation of Public Policy and the Common Law:**

4 Plaintiff incorporates all preceding paragraphs as though set forth fully herein as a proximate
5 cause of Plaintiff's injuries. Although Plaintiff states an individual cause of action, Plaintiff
6 notes that each cause of action is interrelated to all of the facts set forth in this complaint.

7 **6.6 Disparate Impact in Violation of Public Policy and the Common Law:**

8 Plaintiff incorporates all preceding paragraphs as though set forth fully herein as a proximate
9 cause of Plaintiff's injuries. Although Plaintiff states an individual cause of action, Plaintiff
10 notes that each cause of action is interrelated to all of the facts set forth in this complaint.

11 **6.7 Unlawful Retaliation in Violation of Public Policy and the Common Law:**

12 Plaintiff incorporates all preceding paragraphs as though set forth fully herein as a proximate
13 cause of Plaintiff's injuries. Although Plaintiff states an individual cause of action, Plaintiff notes
14 that each cause of action is interrelated to all of the facts set forth in this complaint.

15 **6.8 Unlawful Constructive and/or Actual Discharge (Race & Sex) in Violation of**
16 **Public Policy and the Common Law:** Plaintiff incorporates all preceding paragraphs as though
17 set forth fully herein as a proximate cause of Plaintiff's injuries. Although Plaintiff states an
18 individual cause of action, Plaintiff notes that each cause of action is interrelated to all of the
19 facts set forth in this complaint.

20 **6.9 Negligence, Negligent Infliction of Emotional Distress, Hiring, Training,**
21 **Supervision, and Retention:** Plaintiff incorporates all preceding paragraphs as though set forth
22 fully herein as a proximate cause of Plaintiff's injuries. Although Plaintiff states an individual
23 cause of action, Plaintiff notes that each cause of action is interrelated to all of the facts set forth
24 in this complaint.

25 **6.10 Intentional Infliction of Emotional Distress, Outrage:** Plaintiff incorporates all
26 preceding paragraphs as though set forth fully herein as a proximate cause of Plaintiff's injuries.
27 Although Plaintiff states an individual cause of action, Plaintiff notes that each cause of action is
28 interrelated to all of the facts set forth in this complaint.

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VII. DAMAGES

7.1 Plaintiffs re-allege and incorporate herein the preceding paragraphs of this Complaint as set forth in full. As a direct and proximate result of the acts and omissions of the Defendants, and each of them, the Plaintiffs suffered severe and permanent physical and emotional distress, mental anguish, mental and emotional shock, all of which have continued into the present and will continue into the future. Plaintiffs also suffered loss of pay, future employment opportunities, and other economic damages.

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as follows:

- (1) For such special damages as shall be established at time of trial;
- (2) For such general damages as shall be established at time of trial;
- (3) For such lost wages, back pay, front pay, and benefits in amounts to be established at trial;
- (4) For such punitive damages allowable by law; and
- (5) For such attorneys' fees, interest, costs, and such other and further relief as shall be allowed by law or deemed just and equitable.

Dated this 17th day of October, 2011.

THADDEUS P. MARTIN & ASSOCIATES, LLC

By 

Thaddeus P. Martin, WSBA No. 28175

Chad E. Arceneaux, WSBA No. 40442

Attorney for Plaintiffs